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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,937	07/07/2003	Jong-chul Go	024012-326	6666

7590 08/30/2004
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
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EXAMINER

VALENZA, JOSEPH E

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 08/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/612,937	Applicant(s) GO ET AL.	
	Examiner Joseph Valenza	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004 and 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of De Burgh and Inoue and Hale et al.

The type of assembly conveyed is a matter of design choice over that in Clark et al. Note conveyors 1 and 3 are cell conveyors. It would have been obvious that the articles in Clark et al could be supported by pallets like pallets 4 of De Burgh. No assembling means or work means are claimed in combination with the conveyor structures in claim 7. Therefore, the function, if any, performed on the conveyed assembly is immaterial to the operation of the claimed conveyors. The transverse feed from the cell conveyors 1 and 3 can be considered pallet carriers. It would have been obvious to add a return conveyor between the output of the main conveyor and input sections at the upstream ends of the cell conveyors in Clark et al as taught by return 60 and elevatable conveyors 76, 78, 84, 86, 88 and 90 of Inoue. It would have been obvious that the teaching in Hale et al of having a reversing means B part of the main conveyor means could be added to the common (main) conveyor of Clark et al

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of De Burgh and Inoue and Hale et al and Koennecke et al.

It would have been further obvious that the transverse feed from the cell conveyors 1 and 3 could include elevatable transverse conveyors 120 and 120' of Koennecke et al at the output of the cell conveyor and in the main conveyor of Clark et al.

3. Claim 7 is rejected under 35 U.S.C. 112 second paragraph for being indefinite due to the lack of a proper antecedent for return conveyor.

4. Claims 7-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim1 of U.S. Patent No. 6,601, 689. Although the conflicting claims are not identical, they are not patentably distinct from each other because they only differ in obvious variations in breadth and scope.

5. Any inquiry concerning this communication should be directed to Joseph E. Valenza at telephone number (703) 308-2577. Amendments may be faxed to 703-872-9306. My normal workweek is Monday through Thursday.

A handwritten signature in black ink, reading "Joseph Valenza". The signature is written in a cursive, flowing style with a large, prominent "J" and "V".

JOSEPH E. VALENZA
PRIMARY EXAMINER